

HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THE DOCTORS COMPANY,

Plaintiff,

v.

FIRST INITIATIVES INSURANCE, LTD. and  
CATHOLIC HEALTH INITIATIVES,

Defendants.

NO. 3:13-cv-05606 RBL

STIPULATED MOTION AND ORDER  
FOR VOLUNTARY REMAND

**I. STIPULATION**

Pursuant to LCR 10(g) and LCR 7(d)(1), Plaintiff The Doctors Company (“TDC”) and Defendant Catholic Health Initiatives (“CHI”), by and through counsel, and with the consent of Defendant First Insurance Initiatives, Ltd. (“FIIL”), stipulate and agree to the voluntary remand of this action to Pierce County Superior Court for the reasons set forth below:

1. CHI filed a Notice of Removal of this matter, with FIIL’s consent, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 on July 23, 2013. Dkt. No. 1. CHI pleaded that this Court had

original jurisdiction of the subject matter of this action under 28 U.S.C. § 1332 because TDC and defendants were citizens of different states, and TDC seeks to recover more than \$75,000, exclusive of costs and interest. *Id.* With respect to the diversity-of-citizenship requirement, TDC had alleged in the underlying complaint that it is “a California Inter-Insurance Exchange doing business within the state of Washington.” *Id.*, Ex. A. Accordingly, CHI pleaded in its Notice of Removal that TDC was a citizen of California. CHI also pleaded that it is a citizen of Colorado in its praecipe, Dkt. No. 3, and, in the Notice of Removal, that FIIL is a citizen of the Cayman Islands, Dkt. No. 1. Thus, because Defendants appeared to CHI to be citizens of different states than Plaintiff, CHI averred in its Notice of Removal that the complete diversity-of-citizenship requirement contained in 28 U.S.C. § 1332(a) was satisfied. *Id.*

2. Following removal, TDC counsel advised that because TDC is an unincorporated association comprised of its members/insureds, TDC has the citizenship of each of its members/insureds, as discussed in *Truck Ins. Exchange v. The Manitowoc Co., et al.*, 2010 WL 4961618 \*1 (D. Ariz. 2010). *See* Ex. A (7/25/13 email between counsel) (attached hereto). TDC counsel further stated that TDC has members/insureds in Colorado, thereby defeating the diversity requirement. *Id.* Following additional communication among counsel, TDC provided proof that at least some of its members/insureds are citizens of Colorado, and thus, TDC’s citizenship includes Colorado. *See* Ex. B (7/29/13 email between counsel) (attached hereto).

3. CHI did not know that TDC had members/insureds in Colorado prior to filing its Notice of Removal. However, immediately upon learning that diversity jurisdiction did not exist, CHI agreed to voluntarily remand the case to state court and coordinated with TDC to prepare this stipulated motion for the Court’s consideration.

1 For the foregoing reasons, Plaintiff TDC and Defendant CHI, together with the consent  
2  
3 of Defendant FIIL, respectfully request that this Court remand this matter to Pierce County  
4  
5 Superior Court.  
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7 DATED this 1st day of August, 2013.  
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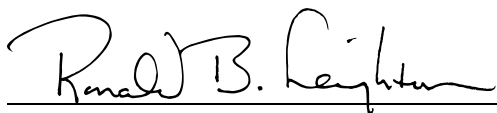
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**II. ORDER**

Having considered the stipulation of the parties and being familiar with the record in this matter and good cause having been shown, it is HEREBY ORDERED as follows:

1. The parties' stipulated motion is GRANTED; and
2. This action shall be remanded to Pierce County Superior Court.

DATED this 2<sup>nd</sup> day of August, 2013.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE